

REPORT AND DECISION ON THE APPLICATION OF MADISON PARK IV ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on October 15, 1981 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated October 1, 1981 (hereinafter called the "Application"), filed by Madison Park IV Associates, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on October 5, 1981 and October 12, 1981, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Joseph J. Walsh, James K. Flaherty, and Clarence Jones were present at the hearing, and William A. McDermott, Jr., entered during the aforementioned public hearing.

B. The Project. The proposed development area is located in the Campus High and South End Urban Renewal Areas. A full metes and bounds description can be found in Exhibit 1 to the Application. The Authority and the City of Boston are the present owners of the land.

The Project consists of approximately 143 units of housing in 15 two-story townhouse structures with related amenities, including landscaping, driveways and sidewalks. The Project is the fourth phase of a housing development for low and moderate income families and individuals. The Project Area is adjacent to the earlier three phases of the development, as shown on Exhibit 2 to the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for families and handicapped persons with low or moderate income.

The Project Area has already been designated as a blighted open area in connection with the adoption of the Campus High School Urban Renewal Plan and the South End Urban Renewal Plan. Conditions making the area "blighted" are the following: existence of unsuitable soil conditions which render necessary unduly expensive excavating, filling and grading and unduly expensive foundations, including the existence of abandoned sewer lines within the Project Area; obsolete and inappropriate platting of the area; and, the abandonment of the previous use of the area for residential housing. The Project Area is comprised of 84 original parcels, which are being combined into a few large parcels. The revised platting will also reflect new street layouts to serve the townhouse development. The area is decadent because buildings

have been torn down and not replaced, and, under existing economic conditions, it is improbable that the buildings will be replaced in the ordinary operation of private enterprise. The Project will not only replace unsafe, abandoned land with a well-designed housing development, but will also serve as a protection for areas which have already been redeveloped in phases two and three of the housing development project. The area is detrimental to the safety, health, morals, welfare, and sound growth of the City of Boston.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted open area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately \$10,000,000. Construction financing for the Project in the amount of \$8.2 million will be provided by the sale of notes issued by the Boston Housing Development Corp. II, a subsidiary of the Boston Housing Authority. Permanent financing in the same amount will be provided by a Boston Housing Development Corp. II bond issue under the Section 11(b) program. The proceeds of the sale of the notes will be lent to the Applicant for construction of the Project and will be secured by a mortgage of the Project. The proceeds of the sale of the bonds will be lent to the Applicant to repay the notes and also will be secured by the mortgage. The mortgage will be insured under the Section 221(d)(4) HUD mortgage insurance program. A commitment for mortgage insurance dated January 8, 1981 is attached as Exhibit 5 to the Application. Equity contributions for the balance of the project cost will be provided by the sale of limited partnership interests in the Applicant.

Prior to completion of the Project, the Applicant, its General and Limited Partners, the purchasers of the construction loan notes and permanent loan bonds, and the general contractor will be the only persons with a direct or indirect beneficial interest in the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area, the neighborhood or of the City. The Project will, in fact, advance the best interests of the City and will constitute a public use and

benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish much needed landscaping. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that.

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.

5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in the Application, are hereby adopted and imposed as Rules and Regulations (in addition to

those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 16, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, General Laws, Chapter 138.

J. Zoning Code Deviations. The Project lies within five zoning districts --H-1, H-2, H-1-U, H-2-U and L-1. The plans for the Project show a uniform design consistent with the purposes of the H-1-U zoning district in the Campus High Urban Renewal Area. Therefore, deviations are requested from the following sections of the Boston Zoning Code: Sections 18-1, 19-1, 20-1 (front, side and rear yards); Sections 14-5 and 22-4 (building to the rear of main building on same lot); and Section 23-8 (off-street parking).

The specific dimensions of the deviations are shown on the plan attached to Exhibit 10 to the Application and the dimensional requirements of the respective zoning districts are shown on the attached copy of Table B, Section 13-1 of the Code. These deviations are necessary to permit the buildings to be located on the portions of the site having soil conditions adequate to support the foundations of the buildings, avoiding the areas of the site subject to the unsuitable soil conditions described in the materials submitted with the Application. Therefore, these deviations are hereby granted without substantially derogating from the nature and intent of the Boston Zoning Code.

Further, the Project is located close to Ruggles Street, the boundary of the first fire district. In the opinion of the City Building Department, no deviation from the provisions of local codes and ordinances are necessary to permit the Project's use of wood frame residential construction with the first fire district.

Therefore, for the reasons stated above the deviations requested are hereby granted without substantially derogating from the Boston Zoning Code.

K. Duration of Period of Tax Exemption. The Applicant seeks an increase in the basic 15 year statutory term to 40 years by the granting of a 25 year extension pursuant to Section 10 of Chapter 121A because the Project consists of housing financed by federal programs to assist the construction of low and moderate income housing. Such extension is hereby granted.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project, pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, excluding from the proposed Project Area Parcels X-32 and Parcel P-2b, as requested in the Application, and subject to the provisions as set forth above.

MEMORANDUM

October 29, 1981

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT J. RYAN, DIRECTOR
SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A
APPLICATION OF MADISON PARK IV ASSOCIATES

On October 15, 1981, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of 143 units of housing in 15 two-story townhouse structures with related amenities including landscaping, driveways and sidewalks.

Authority staff has examined the Application and found that it contained sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate vote follows.

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Madison Park IV Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to Massachusetts General Laws, Chapter 109 and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" be and hereby is approved and adopted.

